

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
PORTLAND DIVISION

**EVERETT JAMES SCOTT,**

Plaintiff,

v.

**JOHN MYRICK, et al.,**

Defendants.

No. 2:16-cv-00618-YY

OPINION AND ORDER

**MOSMAN, J.,**

On September 18, 2017, Magistrate Judge Youlee Yim You issued her Findings and Recommendation (F&R) [77], recommending that Defendants' Partial Motion for Summary Judgment [58] and Motion for Summary Judgment [63] should be GRANTED. Plaintiff Scott did not file objections.

**DISCUSSION**


The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge, but retains responsibility for making the final determination. The court is generally required to make a de novo determination regarding those portions of the report or specified findings or recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court

is not required to review, de novo or under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F&R depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F&R. 28 U.S.C. § 636(b)(1)(C).

Upon review, I agree with Judge You's recommendation and I ADOPT the F&R [77] as my own opinion. Defendants' Partial Motion for Summary Judgment [58] and Motion for Summary Judgment [63] are GRANTED

IT IS SO ORDERED.

DATED this 31<sup>st</sup> day of December, 2017.

  
MICHAEL W. MOSMAN  
Chief United States District Judge